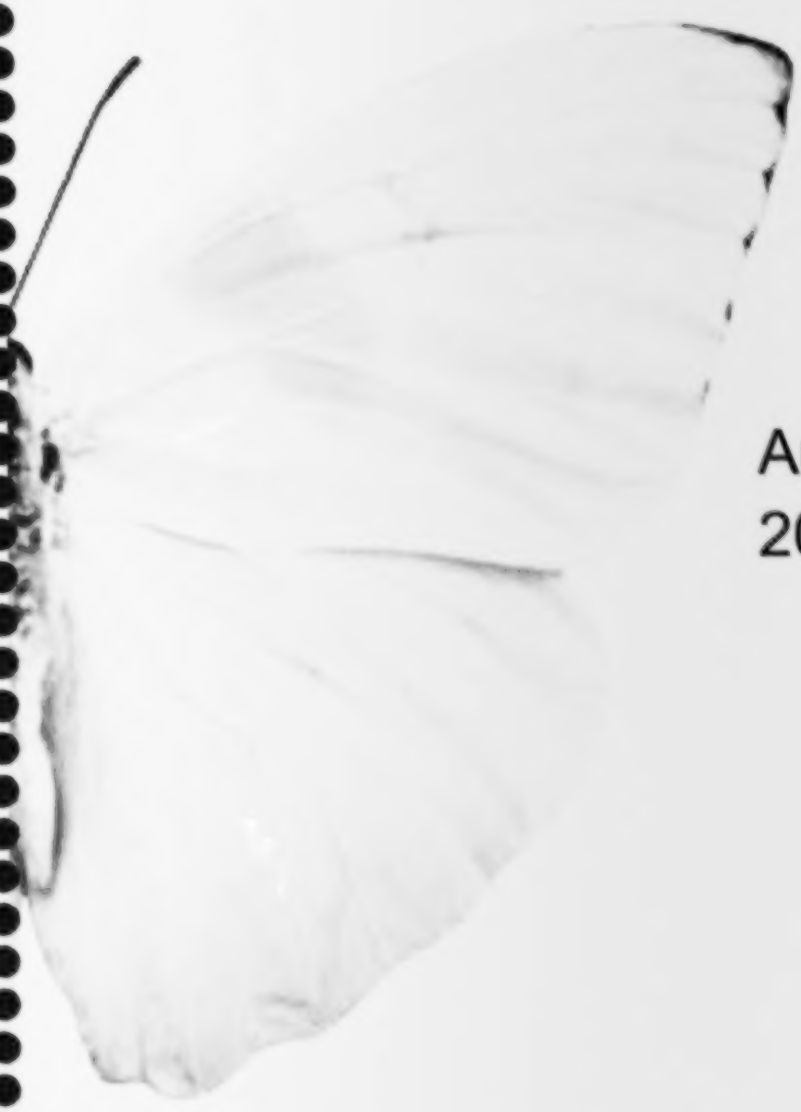
ONTARIO SPECIAL EDUCATION
(ENGLISH) TRIBUNAL

LE TRIBUNAL DE L'ENFANCE EN DIFFICULTÉ
DE L'ONTARIO (FRANÇAIS)

Ontario



Annual Report
2008-2009

Ontario Special Education (English) Tribunal

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June 30, 2009

The Honourable Kathleen Wynne
Minister of Education
900 Bay Street
Mowat Block,
Toronto, ON M7A 1L2

Dear Minister Wynne:

The Ontario Special Education (English) Tribunal and le Tribunal de l'enfance en difficulté de l'Ontario (français) ("the Tribunals") are pleased to submit this Annual Report on the activities of the Tribunals from April 1, 2008, to March 31, 2009.

We want to take this opportunity to thank you for providing the support that the Tribunals require in order to carry out their work.

We look forward to having an opportunity to discuss the report with you in the near future.

Regards,

Marilyn Thain
Chair
Ontario Special Education (English) Tribunal

Céline T. Allard
Chair
Tribunal de l'enfance en difficulté de l'Ontario (français)

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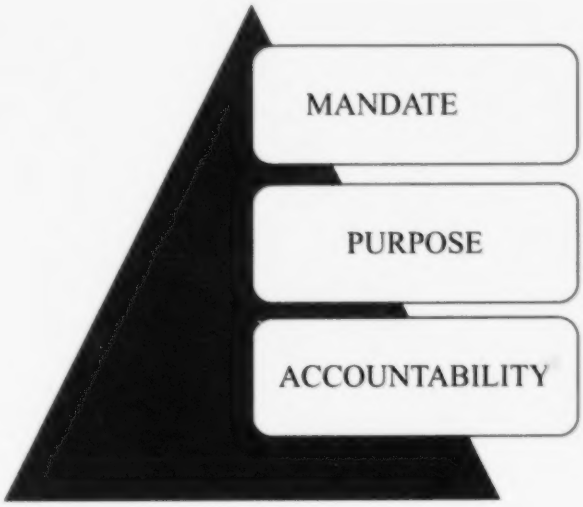

Section 1

MANDATE

The Tribunals are independent adjudicative agencies created under the *Education Act*.

The Tribunals' legislative authority is set out under subsection 57(1) of the *Education Act*. "The Lieutenant Governor-in-Council shall establish one or more Special Education Tribunals."

The Tribunals' mandate is set out in subsections 57(3) and 57(4). Subsection 57(3) states, "Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to a Special Education Tribunal for a hearing in respect of the identification or placement."

Subsection 57(4) reads, "The Special Education Tribunal shall hear the appeal and may:

(a) dismiss the appeal; or
(b) grant the appeal and make such order as it considers necessary with respect to the identification or placement."

In accordance with subsection 57(5) of the *Education Act*, a decision of a Special Education Tribunal is final and binding on the parties to the decision.

PURPOSE

The Ontario Special Education (English) Tribunal hears appeals for students enrolled in English public or Roman Catholic separate schools. Le Tribunal de l'enfance en difficulté de l'Ontario (français) hears appeals for students enrolled in French public or Roman Catholic separate schools.

The Ontario Special Education Tribunals (OSET) continue to be an integral part of Ontario's unique approach to providing natural justice and due process to students with special needs, their families and school boards.

The OSET is the final step within the education system for parents[1] to appeal a decision of their school board concerning the identification and/or the placement of their child as an exceptional student.

Step 1: The Identification, Placement and Review Committee (IPRC)

A parent who believes that his/her child is an exceptional student in need of a special education program or special education services may request the principal of their child's school to initiate the school board's identification and placement process. The principal will then take steps in accordance with *Regulation 181/98* to arrange for an IPRC to meet with the parent in order to determine whether the student is an exceptional student, and if so, decide the appropriate educational placement for the student. The IPRC may discuss special education programming and accommodations to meet the student's identified needs and shall do so at the request of a parent.

Step 2: The Special Education Appeal Board (SEAB)

A parent who disagrees with the decision of the IPRC is entitled to a hearing by a SEAB. The SEAB meets with the parent and school board officials and reports its recommendations to the parent and to the school board. Following its review of the recommendations of the SEAB, the school board advises the parent of its decision with respect to the identification and/or placement of the student and also advises the parent that he/she may appeal this decision to the OSET (English or French).

Step 3: The Ontario Special Education Tribunal (English or French)

The IPRC process, with its right of appeal to a SEAB and ultimately to the OSET (English or French), provides for these decisions to be made impartially, in the best interests of the student, and with full and fair consideration of the wishes of the parents.

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[1] In this document, parent also refers to guardian.

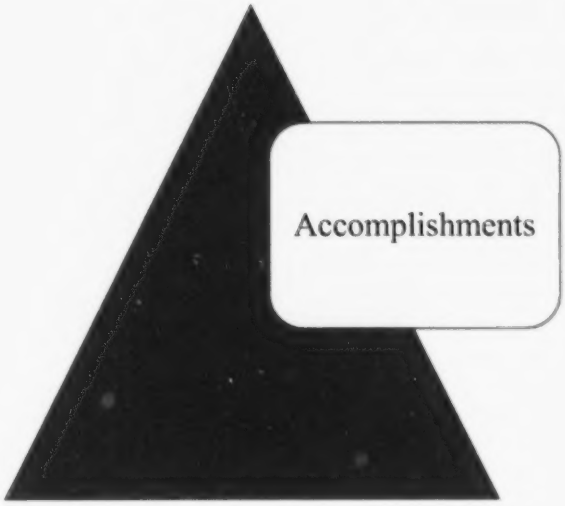
ACCOUNTABILITY

The OSET is committed to conducting timely, fair, efficient, and impartial hearings that are consistent with the governing legislation and regulations made under the *Education Act*. The Tribunals are independent adjudicative agencies of the Government of Ontario, reporting through the Minister of Education.

In the adjudication of cases, the Tribunals function as independent quasi-judicial bodies, subject to the principles of natural justice and the requirements of the *Statutory Powers Procedures Act*. The Tribunals' primary role is adjudicating appeals by parents of the identification and/or placement decisions made by school boards about exceptional students. The Tribunals' decisions are final, but may be reviewed by the courts on an application for judicial review.

The Tribunals' relationship with the Minister is governed by a Memorandum of Understanding (MOU) between the Tribunals and the Minister of Education. The MOU describes financial, staffing and administrative matters, reporting requirements, and the responsibilities of the Minister and the Chairs. However, the MOU does not override the enabling legislation. The MOU specifies that the Tribunals are required to provide the Minister with an annual report, an annual business plan, and a budget.

The business functions of the Tribunals are managed by the staff of the Special Education Policy and Programs Branch of the Ministry of Education, in accordance with the agency management practices of the Ontario Government.



Section 2

ACCOMPLISHMENTS

During the fiscal year 2008-09, the Tribunals have worked on a wide range of projects in order to streamline their processes. With the assistance of legal counsel, the expertise of the members and the support of the Secretary for the Tribunals, much has been accomplished to ensure that the Tribunals function efficiently and effectively, now and into the future.

Adjudication is the core activity of the Tribunals. The work that the Chairs, Vice-Chairs and members do is directly related to their role as adjudicators.

The Tribunals recognize that it is important for the public to be aware of, and to understand the appeal process, since many cases that come before the Tribunals are brought forward by unrepresented parents. To assist parents and school boards, the Tribunals provide information about the appeal process through the OSET website. This is in addition to having the Secretary of the Tribunals available to respond to inquiries and to provide copies of documents upon request.

The website provides information that explains the Tribunals' role and procedures, posts decisions as they are rendered, and provides the relevant forms, relevant statutes and the Tribunals' *Rules of Procedure* and *Practice Directions*. Parents who decide to file an appeal may now access the required application form from the website without having to request one from the Secretary of the Tribunal

To promote a learning culture of continuous improvement for the Tribunals, the members participated in a number of planned learning activities over the 2008-09 fiscal year. Further details can be found on pages 24 and 25 of this report.

The Tribunals completed and submitted the Annual Report and the Business Plan as required by the *Agency Establishment & Accountability Directive, 2000*.

The Tribunals' achievements during 2008-09 include the following:

- *Adjudication Activity*

  Six appeals were processed during 2008-09. Of the six, one was carried over into the next fiscal year. All appeals were dealt with in a prompt manner. The written decisions with reasons were rendered within a 90 day period following the hearing as required by the *Rules of Procedure* ("the *Rules*"). The *Rules* ensure that

the OSET's proceedings are fair by providing for an effective and expeditious process that all parties must follow. Appeals are handled in a cost effective manner and are focused on the student's best interests.

- *Implementation of Mediation*

  During 2008-09, the OSET began offering mediation services to parties for all appeals. Some tribunal members have received training in alternative dispute resolution. This is a major accomplishment. The mediation process encourages positive relationships between the parties and has lead to resolution by settlement of some or all of the issues in dispute in the recent appeals. Of the three appeals that were provided mediation services, two were resolved. Further details can be found on page 16 of this report.

- *Review and Revision of the Rules of Procedure and Practice Directions*

  The *Rules* were developed in 2006 in order to describe the practices and procedures in place to facilitate the just and timely resolution of the matters before it. The *Rules* are consistent with the Tribunals' enabling legislation. The OSET annually reviews and revises the *Rules* or as circumstances and new legislation may require. The *Rules* are published and are available on the Tribunals' website (www.oset-tedo.ca).

  The OSET has developed and implemented *Practice Directions* on specific issues that may arise during the appeal process. This assists all parties to an appeal by ensuring consistency, transparency and predictability. The availability of *Practice Directions* helps the parties to be better informed and better prepared to present their case. During 2008-09 the *Practice Directions* were reviewed and revised.

- *Revision of the Information for Parties Guide*

  The *Information for Parties Guide* provides information to the parties to an appeal to assist with the understanding of the OSET process. The document was significantly revised to reflect changes made to the *Rules of Procedure* and to the *Practice Directions*.

- ***Participation in Consultations on the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Standards***

  The OSET participated in the consultations sponsored by the Accessibility Directorate of Ontario in response to the AODA standards. It is particularly important that the Tribunals, as agencies whose primary function is to adjudicate disputes over the identification and/or placement of students with special needs, recognize the important role they have in the implementation of the standards.

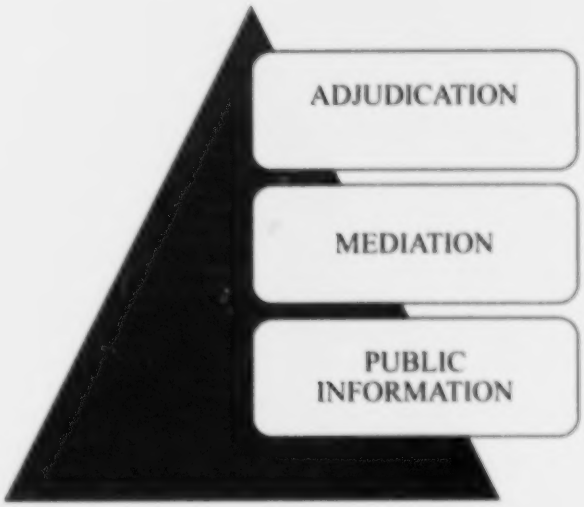
- ***Website***

  The OSET launched a website in 2007 to provide information about the Tribunal process. The website contains all guides and tools developed by the Tribunals. The information on the website reduces the complexity of the hearing process and provides the public with answers to basic questions. The Tribunals' decisions are also posted on the website. The decisions contain no identifying information in order to protect the privacy of students and families. The website has continued to be actively used by members of the public. For further information please refer to Appendix A.

  The OSET continues to explore ways to keep the public informed and to ensure that the website is well maintained, current, and meets the AODA accessibility standards.

- ***Development and Implementation of Professional Development for Members***

  Professional development refers to the opportunities that members have to enhance their skills and knowledge to further their abilities to adjudicate appeals effectively and efficiently. Members participated in a variety of learning opportunities including attending conferences and workshops, and participating in meetings focused on their adjudicative responsibilities. OSET members regularly receive newsletters and other information pertaining to legal issues relevant to the Tribunals. Additional approaches to professional development included consultation, committee membership, mentoring and coaching situated in practice.



Section 3

ADJUDICATION

The Tribunals' core business is adjudication. The principal task of the OSET members is to conduct fair, efficient and impartial hearings. Tribunal members must consider all the evidence presented, and render decisions with written reasons based on that evidence, in a manner that is in the best interests of the student and is consistent with the Tribunals' governing legislation. The Tribunals strive for the following:

1. *Fair and Open Process*

The Tribunals are committed to providing a fair and open process when responding to appeals made by parents under section 57 of the *Education Act*. To do this, the OSET has developed documents and resource materials to ensure that all members understand their responsibilities as adjudicators and that parties appearing before the Tribunals are aware of the Tribunals' procedures and expectations.

2. *Quality Decisions*

To achieve quality decisions, it is necessary that the Tribunals' members have resources available to them to assist in the deliberation and decision-writing process. A court reporter is assigned to each hearing to provide transcripts to the members, thus ensuring that the evidence and submissions presented by all parties at a hearing are accurate, will be carefully considered by the hearing panel, and then described correctly in the decisions. The Tribunals have access to legal counsel to ensure that all hearings are conducted with due regard for the Tribunals' legal mandate and the principles of procedural fairness and natural justice.

3. *Timely Decisions*

The *Rules of Procedure* state that all decisions should be rendered within ninety days of the hearing. This standard has been met and usually exceeded.

Appeals Processed During 2008-09

During 2008-09, the Ontario Special Education (English) Tribunal processed six appeals. Five of these appeals had been filed in the 2007-08 fiscal year. One new appeal was filed in 2008-09.

During 2008-09 there were no appeals filed with le Tribunal de l'enfance en difficulté de l'Ontario (français).

Figure 1: Ontario Special Education (English) Tribunal – Appeals Processed During 2008-09

File #	Date Appeal Filed	Exceptionality
2007-04	October 05,2007	Autism
2008-01	January15, 2008	Autism / Developmental (DD)
2008-02	January17, 2008	Gifted / Learning Disability(LD)
2008-03	February, 24, 2008	Autism / LD
2008-04	March 20, 2008	Autism / DD
2008-05	October 15, 2008	Autism

During the five year period between 2002-07, an unusually high number of appeals were filed. The majority of these appeals were related to students with autism. Since the Ontario Court of Appeal issued its decision in *Wynberg v. Ontario* in 2006, fewer autism related appeals have been filed. However, the number of autism appeals remained proportionately high during 2008-09. The overall decrease in autism related appeals may be attributable to the newly introduced policies of the Ministry of Education, which mandate additional support for students with autism.

Figure 2: Disposition of Cases Filed with the Ontario Special Education (English) Tribunal, 2008-09

Disposition	2007-08	2008-09
Written Decision – Jurisdiction Hearing	2	3
Mediated with Agreement Reached	0	1*
Withdrawn by Parents	2	0
Written Decision on Merits	0	1
Totals	4	5

*NOTE: *The table above shows one appeal resolved through mediation during 2008-09. However, mediation was provided for three cases. Mediation resolved some of the issues for another appeal and therefore a hearing was conducted on the merits. For the third appeal, mediation was postponed until the next fiscal year, at which time it was resolved.*

Subsection 57 (5) of the *Education Act* states that "The decision of the Special Education Tribunal is final and binding on the parties to the decision."

Following the rendering of a written decision with reasons, a party who is not in agreement with the decision may make an application for judicial review of the decision to the Divisional Court. During 2008-09, no Tribunal decision was judicially reviewed.

The Human Rights Tribunal of Ontario ("HRTO") issued an interim decision related to an appeal considered by the OSET in 2006. The HRTO dismissed this appeal on the grounds that the OSET had already dealt with the case and that to re-litigate it would constitute an abuse of process. In 2009 the Ontario Human Rights Commission, which was a party to the complaint before the HRTO, filed an appeal with the HRTO asking it to reconsider its interim decision. The HRTO rejected this request.

Figure 3: Total Number of Appeals Received and Disposed 1996 to 2009

	Active Cases on Register as of April 1	New cases	Total cases in year	Closed without a hearing on the merits	Withdrawn by parent	Consent Orders	Written decision on merits	Resolved in year	Active Cases on Register as of March 31
1996-1997	**0**	2	**2**		1			**1**	**1**
1997-1998	**1**	6	**7**		4		2	**6**	**1**
1998-1999	**1**	2	**3**					**0**	**3**
1999-2000	**3**	2	**5**				2	**2**	**3**
2000-2001	**3**	6	**9**		4		1	**5**	**4**
2001-2002	**4**	2	**6**		1		4	**5**	**1**
2002-2003	**1**	13	**14**		3		1	**4**	**10**
2003-2004	**10**	12	**22**	1	7		4	**12**	**10**
2004-2005	**10**	8	**18**	2	1		2	**5**	**13**
2005-2006	**13**	11	**24**	3	5	1	1	**10**	**14**
2006-2007	**14**	3	**17**	4	6	3	5	**17**	**0**
2007-2008	**0**	8	**8**	2	1	0	0	**6**	**5**
2008-2009	**5**	1	**6**	1	0	1	0	**4**	**2**

Figure 3 shows the number of cases received and processed by the OSET from 1996.

A number of factors may explain the overall decrease in appeals to the OSET since 2005-06.

The 2008 Annual Report of the Office of the Auditor General of Ontario ("the Report") reported that there are 187,181 students identified as exceptional. The six appeals processed by the OSET during the 2008-09 year, represent .0032%, a very small percentage of the total. This

represents a decrease from the previous year and a significant decrease from the years 2002 through 2006. The Report noted the following:

> *"...the majority of files we examined did not contain evidence that the schools had sent a Parents' Guide to parents in advance of the original IPRC meetings. None of the files we examined contained evidence that a staff member had met with parents before the IPRC meeting or had attempted to arrange such a meeting.*
>
> *Recommendation 3:*
> *To help ensure that parents are informed about and involved in the Identification, Placement, and Review Committee (IPRC) process and that IPRCs have all the information necessary to make informed exceptionality and placement decisions, the Ministry of Education should require that school boards retain evidence, such as copies of letters to parents, that parents were informed about the IPRC process and that their input was sought on their child's strengths and needs before the original IPRC meeting."* (pp. 371-2).

This finding is consistent with information the OSET is receiving. Some parents have stated through general inquiries made to the Secretary, or to panel members during the appeal process, that the Parent Guide to Special Education ("Parent Guide") was not made available to them as required under *Regulation 181/98*. This may have prevented parents from making informed decisions about requesting an IPRC.

In addition, *Regulation 181/98* requires that information about the parent's right to appeal should be included in the Parent Guide. On a number of occasions during this fiscal year, the Tribunals have been told by some parents, again through their general inquiries made to the Secretary, or to panel members during the appeal process, that they had not been informed of their rights to appeal the decision of an IPRC. The Tribunals have heard this information consistently over the past few years. These circumstances may account for the number of appeals brought to the Tribunals without having had an IPRC or an SEAB.

In the six cases before the English Tribunal during 2008-09, three preliminary hearings were held to determine the Tribunal's jurisdiction. These hearings delay the process to hear the merits of the case and to determine the identification and/or placement that is in the student's best interests. The Tribunal regularly reminds both parties to be attentive to the legislation and to ensure that the focus of this process remains on the best interests and needs of the student in question.

The revised mandate of the Human Rights Tribunal of Ontario ("HRTO") is in place. This direct access process of the HRTO provides an alternative to going to the OSET in that it does not require parents to go

through an IPRC or an SEAB. A number of parents have brought complaints about special education issues to the HRTO and the HRTO has issued decisions on a number of these cases.

MEDIATION

It is in the public interest to have the OSET offer parties timely and effective dispute resolution. The use of mediation as an alternative to a hearing encourages the parties to discuss the issues in dispute in an attempt to narrow or settle their differences. The successful results often eliminate the need for a hearing altogether, or reduce the length of a hearing.

The Tribunals now offer voluntary mediation in all appeals. Members of the Tribunals who conduct mediation have received certified training. Should the parties choose not to participate in mediation at the beginning of the appeal, they may pursue mediation at any time throughout the hearing process, upon request.

The Tribunals are pleased that mediation has been an effective tool for helping the parties to resolve their differences in a more efficient, effective and less costly manner than having full hearings. The long-term results of restoring effective board/parent/ relationships can only help students who are served by the Tribunals.

The Tribunals' mediation process was developed and implemented over three phases as follows:

Phase 1:

In 2007, the OSET discussed the need to offer mediation to parties to an appeal. The Tribunals were motivated by a desire to assist the parties to find a way to solve disputes earlier, while helping to preserve positive relationships between parents and school boards. In addition, there was the potential cost reduction to all parties and to the Tribunals which could result from fewer appeals requiring the expenditures associated with a full hearing process.

The Tribunals' mediation policy was developed by its members and adopted in 2007-08. Four members of the English Tribunal and three members of the French Tribunal were trained in alternative dispute resolution in preparation for offering mediation to parties to an appeal.

Phase 2:

During 2008-09, the Ontario Special Education (English) Tribunal offered mediation to the parties to three appeals. The following table shows the outcome of each of the three mediations:

Figure 4: Mediation Results for Appeals Processed 2008-09

FILE #	RESULTS
2008-03	Resolution reached.
2008-04	Resolution reached on some issues. Subsequent hearing on the merits held over 5 days.
2008-05	Mediation offered during 2008-09. Mediation took place in April 2009. The case was settled and the parent withdrew the appeal.

In each case, it took some initial persuasion to encourage the parents to participate in mediation. The school boards were interested and promoted the use of mediation to help resolve the dispute.

These results have raised the prospect of a much greater role for mediation in resolving disputes between parents and school boards regarding the identification and/or placement of students with special needs.

Phase 3:

The Tribunals will develop a *Mediator's Guide ("the Guide")* for use by all members assigned to a case for mediation purposes. The *Guide* will complement the *Guide to the Tribunal Process*, an existing resource to assist all Tribunal members in the conduct of hearings.

Confidentiality is the cornerstone of mediation. Parties are assured that the information and documents shared will not become evidence in any subsequent proceeding. The *Mediation Agreement* developed by the Tribunals provides for the parties to be informed of the confidentiality provisions and to sign in agreement.

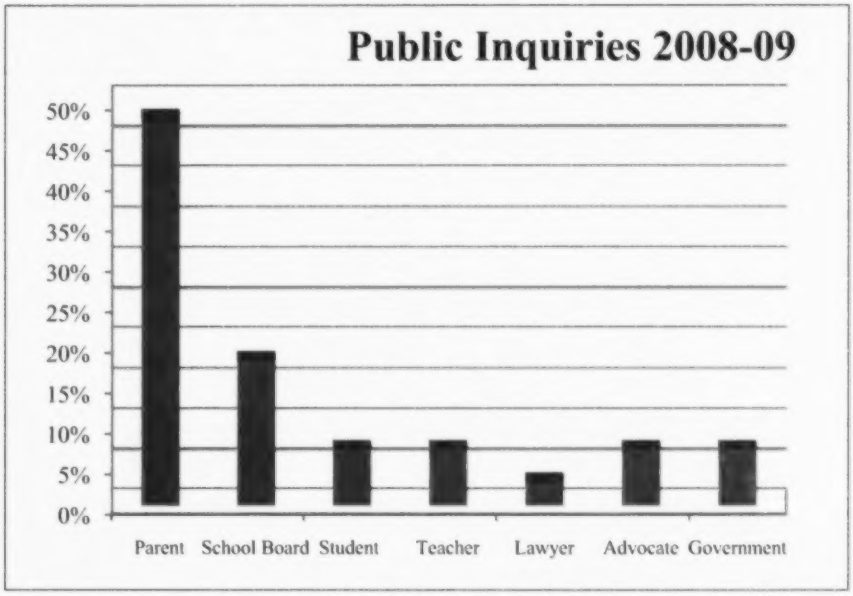
PUBLIC INFORMATION

It is important that the public is well informed of the Tribunal process. When parties have knowledge of the process, it reduces costs associated with delays and misunderstandings that can occur throughout the appeal.

The Tribunals' outreach function consists of responding to public inquiries in an expedient and effective manner, and in providing an accessible website.

The Tribunals' website plays a key role in providing information and services to the public. The public can also provide feedback to the Tribunals through the website. During the last year, the website had over 7000 visits. The website has provided easy access to information for both parents and the general public.

Figure 5: Public Inquiries 2008-09

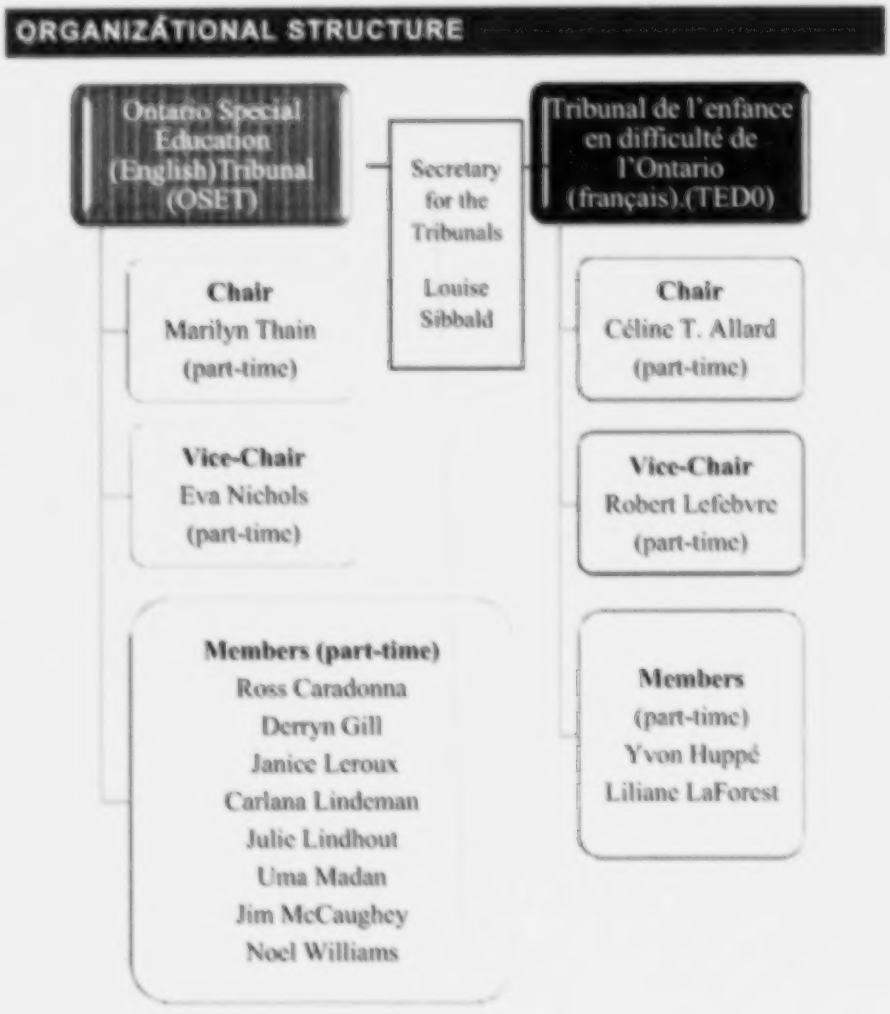


The inquiries received by the Tribunal Secretary during 2008-09 were mainly made by parents of exceptional students. Most inquiries related to questions about the IPRC process and information generally about special education resources in schools.

ORGANIZATIONAL STRUCTURE
MEMBERS
PROFESSIONAL DEVELOPMENT

Section 4

Figure 6: Organizational Structure of the Tribunals



All members are appointed by the Lieutenant Governor-in-Council. The Vice-Chair is appointed by the Chair in accordance with the *Education Act*. S.57 (1.4).

Since 2007, the administrative leadership of the Tribunals and related duties are the full responsibility of the appointed Chairs. The Tribunals function as independent quasi-judicial bodies. Their relationship with the Ministry of Education is governed by the MOU.

The Tribunals are supported by one full-time bilingual secretary who serves as Administrator (of the business functions), Registrar and Secretary of the Tribunals. This role has been in place since July, 2007.

MEMBERS

The Tribunals are expert adjudicative agencies. Its members are appointed on the basis of their expertise and experience with exceptional students, their experience with the education system, and their knowledge of the adjudicative process. The Tribunals provide for a process within the educational system, where disputes between parents and school boards concerning identification and/or placement are resolved by individuals with specialized knowledge and specific expertise.

It is the Tribunals' observation that when parents and school boards perceive that an OSET decision has been made by impartial and knowledgeable persons who have heard all the relevant facts and who have accurately and fairly applied the law, they are more likely to accept the Tribunals' decision whether or not it is the decision that they wanted.

The courts have recognized the Tribunals' expertise and have declined to set aside decisions of the Tribunals made within their mandate and sphere of expertise. By making a final and binding decision, the Tribunals aim to help both the parents and board put aside their disputes and to work together to ensure an appropriate education for the student.

At present, the English Tribunal has ten members and the French Tribunal has four members. There were two new appointments* to the English Tribunal and two new appointments* to the French Tribunal during 2008-09. One newly appointed member resigned from the French Tribunal during this year.

Figure 7: Members of the Ontario Special Education (English) Tribunal - 2008-09

Name	Role	Initial Appointment	Expiry Date
Marilyn Thain	Chair	February 28, 1996	February 12, 2013
Eva Nichols	Vice-Chair	January 27, 2005	February 26, 2013
****Ross Caradonna***	Member	May 14, 2008	May 13, 2010
Derryn Gill	Member	April 6, 2005	June 19, 2012

Janice Leroux	Member	November 15, 2006	November 5, 2011
****Carlana Lindeman***	Member	Aug. 1, 2008	July 31, 2010
Julie Lindhout	Member	April 6, 2005	June 19, 2012
Uma Madan	Member	October 18, 2005	November 17, 2011
Jim McCaughey	Member	May 11, 2005	May 08, 2012
Noel Williams	Member	October 18, 2005	November 17, 2011

**new member appointments 2008-09*

Figure 8: Members of le Tribunal de l'enfance en difficulté de l'Ontario (français) – 2008-09

Name	*Role*	*Initial Appointment*	*Expiry Date*
Céline T. Allard	Member, Chair	May 1, 1991	February 12, 2013
Robert Lefebvre	Member, Vice-Chair	January 27, 2005	February 26, 2013
Yvon Huppé	Member	October 18, 2005	November 17, 2011
****Liliane Laforest***	Member	April 16, 2008	April 15, 2010

**new member appointment 2008-09*

PROFESSIONAL DEVELOPMENT

Member development includes training and ongoing professional development opportunities. As new legislation is proclaimed, and/or amendments are made to existing statutes, information is communicated and training is provided to members to enable them to meet their responsibilities. Members' meetings are held each year for this purpose.

To ensure that they remain current and well informed of the changes to administrative law, all members attended the annual Conference of Ontario Boards and Agencies (COBA) in November 2008. In addition one or two members attended selected courses or conferences throughout 2008-09.

Tribunal members must operate at the highest level of skill and training in order to maintain a high level of knowledge and to remain effective adjudicators. The OSET has the responsibility to ensure that all members are appropriately trained and prepared to assume adjudicative responsibilities. As such, member training is a priority for the Tribunals.

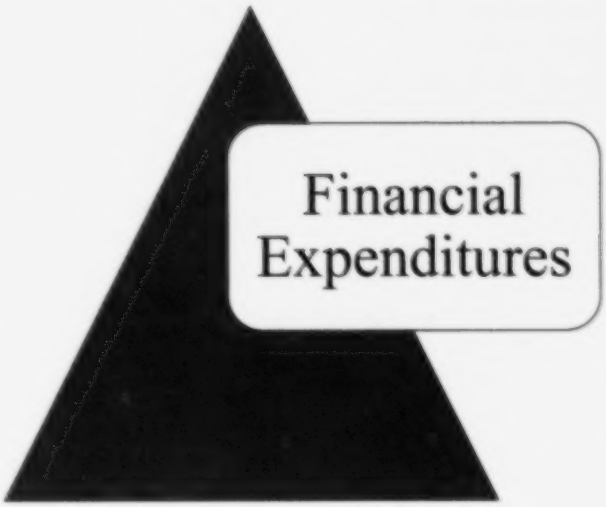
All Tribunal members appointed before May 2008 have participated in an in-house orientation program. As well adjudication and decision-writing training was provided by the Society of Ontario Adjudicators and Regulators (SOAR), and most members have served on a hearing panel. Members appointed during the 2008-09 fiscal year have also received orientation and decision-writing training. Figure 9 provides further information on the member development activities that occurred over the 2008-09 fiscal year.

Members, who become proficient as adjudicators during all three stages of an appeal including pre-hearing, hearing and post-hearing, work in a more expeditious manner. This will result in decreased costs.

Figure 9: Professional Development Activities for 2008-09

Date	*Topic*	*Provider*	*Attendees*
April 1, 2008	Front Line Adjudicators Training	Society of Ontario Adjudicators and Regulators (SOAR)	3 members

June 17, 2008	Conflict of Interest Provisions (PSOA)	SOAR	1 member
June 26-27, 2008	Council of Canadian Administrative Tribunals (CCAT) 24th Annual Conference	Council of Canadian Administrative Tribunals (CCAT)	1 member
September 16, 2008	Human Rights Workshop	SOAR	4 members
September 22-26, 2008	Adjudicator Training Course	SOAR	1 member
October 20, 2008	4th National Forum on Admin Law Practices	Osgoode Professional Development	2 members
November 6, 2008	Conference of Ontario Boards and Agencies (COBA)	SOAR	All members
November 24, 2008	The 4th Annual Conference on Special Education Law	Osgoode Professional Development	Secretary
November 24, 2008	Effective Decisions Program	SOAR	2 members
January 19, 2009	Paralegal & Agency Sector Workshop	SOAR	Secretary



Section 5

FINANCIAL EXPENDITURES

Financial support for the operation of the Tribunals is provided by the Ministry of Education.

The following table summarizes the direct operating expenditures of the Tribunals for the 2008-09 fiscal year. The expenditures are impacted by several factors:

First, the increase in per diem rates in addition to the appointment of new members generated a budgetary pressure for the Tribunals, particularly in light of its mid-year introduction. This increase has continued to impact the overall budget.

Second, unrepresented parents who participate in a hearing require additional expenditures by the OSET. When parents do not have legal representation throughout the appeals process, this tends to increase the length of the hearing and the number of steps leading up to a hearing. In an effort to reduce costs, the Tribunals have taken steps to streamline the process and to ensure that the parties are well informed in order to minimize the likelihood of unnecessary procedural delays.

Adjudication is the Tribunals' core business. The Tribunals have no control over the number of appeals received. Appeals that go to a hearing are complex and can be lengthy. Whenever possible, teleconferences are used as a means of communication in place of having in-person meetings. This has reduced costs of travel over the past year. This practice will continue.

The Tribunals will continue to review all aspects of their operations to enhance administrative efficiencies and to implement cost-savings or cost-avoidance strategies, as appropriate.

Figure 10: Operating Expenditures 2008-09

	2006-07	2007-08	2008-09
Transportation and Communication	$ 46,102	$ 33,000	$35,140
Services			
• **Per diem payments to members**	$203,246	$211,789	$237,597
• **Other services**	$114,450	$ 47,602	$85,937
Supplies and Equipment	$ 7,495	$ 5,167	$9,755
TOTAL	$371,293	$297,558	$368,429

Section 6

LOOKING AHEAD

During the 2008-09 fiscal year, the Tribunals realized significant improvements in their primary adjudicative function. From the scheduling of hearings to the rendering of a decision, each aspect of the process has been reviewed and enhanced through the *Rules of Procedure* and the development of *Practice Directions*.

The Tribunals responded to initiatives such as the Accessibility Standards under the *AODA*. All agencies, boards and commissions are to enhance their level of accessibility according to the new standards. The Tribunals are addressing this requirement by improving the OSET website and reviewing all written documents currently in place. It is the Tribunals' intention to enhance and refresh the website in response to the AODA Accessibility Standards during the 2009 -10 fiscal year.

The Tribunals' goal is that the website be well maintained, accurate and readily accessible to the public. The information posted must be current, accurate and informative to the parties. The Tribunals will explore approaches to assure that this is achieved.

The Tribunals continue to develop tools in response to identified needs. The *Mediation Guide* and a *Practice Direction* addressing the *Student as Witness* are tools that will be developed during 2009-10.

The Tribunals welcome opportunities to work with other Tribunals and Boards. The Tribunals will continue to explore all possibilities of sharing resources to cut costs, and will also take further steps toward the ongoing goal of enhancing the appeal process.

The Tribunals will maintain its commitment to the highest quality of adjudication excellence in the coming year.

Appendix A – Website

The Tribunals' website, www.oset-tedo.ca continued to be an important source of information for the general public, school boards, the legal community, universities and colleges and, in particular, parents who were seeking information regarding Special Education and the IPRC process.

The website contains the following documents developed by the members of the Tribunals since 2007.

- Rules of Procedure
- Policies
  - -Anonymization Policy
  - -Complaints Policy

- Practice Directions:
  - -Consent Order Practice Direction
  - -Mediation Practice Direction
  - -Representation before the Tribunal Practice Direction
  - -Seized Cases Practice Direction
  - -Summons Practice Direction

- Forms
  - -Form A– Notice of Appeal
  - -Form B– Response to Notice of Appeal
  - -Summons

- Information for Parties Guide

The website contains information on the Tribunal and its members, as well as links to other sites for information that is related to Special Education.

All decisions rendered by the Tribunals since 1982 have been posted on the website.

The OSET Annual Report and all documents developed by the OSET are available in both official languages.